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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAN NAVARRO,

Defendant.

CASE NO. 2:21-CR-191-DAD-1

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: May 30, 2023
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their respective counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 30, 2023.
2. By this stipulation, defendant now moves to continue the status conference until August 29, 2023, and to exclude time between May 30, 2023, and August 29, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes over 990 pages of investigative reports and other documents, numerous audio and video recordings, including over 150 wiretapped phone calls, as well as other materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to review this discovery, conduct
2 factual investigation and legal research, confer with his client regarding his options for
3 responding to the charges, and to otherwise prepare for trial.

4 c) In addition, counsel for the defendant was trial counsel in a death penalty trial that
5 lasted from late February 2023 through May 12, 2023. Since the conclusion of that case, the
6 parties have been involved in active plea negotiations and counsel for defendant anticipates that
7 it is likely that this case will resolve by the time of the next status conference. However, counsel
8 for defendant needs additional time to review the extensive discovery with his client, including
9 the over 150 wiretapped phone calls of his client's cell phone. While counsel for defendant
10 expects that his client is likely to change his plea at the next hearing, this additional discovery
11 review, investigation, and attorney-client consultation will be necessary for trial preparation as
12 well as for plea negotiations if defendant elects not to change his plea.

13 d) Counsel for defendant believes that failure to grant the above-requested
14 continuance would deny him the reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence.

16 e) The government does not object to the continuance.

17 f) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendants in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of May 30, 2023 to August 29, 2023,
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
23 because it results from a continuance granted by the Court at defendant's request on the basis of
24 the Court's finding that the ends of justice served by taking such action outweigh the best interest
25 of the public and the defendant in a speedy trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
28 must commence.

1 IT IS SO STIPULATED.

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4 Dated: May 22, 2023

PHILLIP A. TALBERT
United States Attorney

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6 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

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9 Dated: May 22, 2023

/s/ MICHAEL D. LONG
MICHAEL D. LONG
Counsel for Defendant
ADAN NAVARRO

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14 **ORDER**

15 Pursuant to the stipulation of the parties and good cause appearing, the status conference previously
16 scheduled as to defendant Adan Navarro for May 30, 2023 is continued to August 29, 2023, at 9:30 a.m.
17 before the undersigned and time is excluded as to this defendant between May 30, 2023, and August 29,
18 2023, under Local Code T4. The court notes that in its February 15, 2023 order granting a request to
19 continue the status conference to May 30, 2023 the court stated that “[n]o further continuances of the status
20 conference in this case will be granted absent a compelling showing of good cause.” (Doc. No. 72 at 3.)
21 While the court finds that defense counsel’s engagement in a death penalty trial in state court that lasted
22 from late February 2023 through May 12, 2023, satisfies the compelling showing of good cause
23 standard, the court forewarns counsel that it does not intend to continue the status conference in this case
24 again.

25 IT IS SO ORDERED.

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27 Dated: May 23, 2023

Dale A. Drozd
UNITED STATES DISTRICT JUDGE